

cc: Paul

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July 28, 2006

Mary Ann Wright
Utah Division of Oil, Gas & Mining
1594 West North Temple, Suite 300
P.O. Box 145801
Salt Lake City, Utah 84116

RECEIVED
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DIV. OF OIL, GAS & MINING

Re: Mining Operations in Bluffdale City, including but not limited to:
-Bluffdale Sand & Gravel, S/035/022;
-T&M Holdings Mine/Decorative Landscaping, S/035/023;
-Mark Miller, Expectation Mine, S/035/024; and
-Worthington Landscape Mine, S/035/025.

Ms. Wright:

This letter is intended to place the DOGM on formal notice that the above-referenced parties are not in compliance with Bluffdale City's local regulations, as follows:

1. The property in question is within Bluffdale City boundaries. Despite the litigation in Case No. 040909930, the property remains subject to Bluffdale City's regulations pursuant to a stay issued by the district court in that matter.
2. The property in question is currently zoned A5, which provide for an agricultural five-acre lot minimum.
3. The property in question is General Planned for R-1-43, which is one acre minimum.
4. The A5 or R-1-43 zone does not allow any type of mining in either zone as a permitted or conditional use.
5. Section 12.1.5 of the Bluffdale City Zoning Ordinance identifies any use not consistent with any zone as illegal.
6. Section 12.2.9 identifies the existing zones within the city and ties them to the zoning map.

7. Section 12.3.2 does not allow any permit to be issued for anything that does not comply with the zoning standard.
8. Section 12.6.3.2 does not identify rock mining or any mining as permitted, conditional, or accessory use within the A5 zone.
9. Section 12.6.11.2 identifies this use as a conditional use under the SG1 zone. The above-referenced parties have never applied for a zone change.
10. Section 12.6.11.12 requires a reclamation plan under the SG1 zone.
11. Section 12.6.11.14 requires a reclamation bond under the SG1 zone.

It is our understanding that the DOGM has relied on misleading or false statements from the above-referenced parties that they are in compliance with local regulations. As demonstrated above, this is not the case. Please consider this correspondence as a formal request on behalf of Bluffdale City for DOGM to revoke its Acceptances of Notice of Intention to Commence Small Mining Operations, together with any and all other permissions or permits it has granted to the above-referenced parties, or any other party conducting mining operations within Bluffdale City. ✓

As further support for the City's request, I am enclosing the following: (i) the City's "cease and desist" letter of April 21, 2005; (ii) the above-referenced parties' counsel's April 27, 2005 response to cease and desist letter; (iii) a staff report dated May 3, 2005 regarding an appeal of a zoning decision; and (iv) the Affidavit of Blaine Gehring, dated May 20, 2005.

I look forward to your response at your earliest convenience.

Sincerely,

PARRY ANDERSON & GARDINER


Todd D. Weiler, Esq.
Counsel for Bluffdale City

cc: Steven F. Alder, Office of the Utah Attorney General,